

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America
ex rel. ALEX DOE, Relator,

The State of Texas
ex rel. ALEX DOE, Relator,

The State of Louisiana
ex rel. ALEX DOE, Relator,
Plaintiffs,

v.

Planned Parenthood Federation of America, Inc.,
Planned Parenthood Gulf Coast, Inc., Planned
Parenthood of Greater Texas, Inc., Planned Parenthood
South Texas, Inc., Planned Parenthood Cameron
County, Inc., Planned Parenthood San Antonio, Inc.,

Defendants.

CIVIL ACTION NO. 2:21-CV-
00022-Z

Date: February 1, 2023

**DEFENDANTS' MOTION TO EXPEDITE BRIEFING
OF DEFENDANTS' MOTION TO STAY**

On February 1, 2023, Defendants Planned Parenthood Gulf Coast, Inc., Planned Parenthood of Greater Texas, Inc., Planned Parenthood South Texas, Inc., Planned Parenthood Cameron County, Inc., Planned Parenthood San Antonio, Inc., and Planned Parenthood Federation of America, Inc. (collectively, "Defendants"), filed a Motion to Stay pending the Supreme Court's ruling in *U.S. ex rel. Schutte v. Supervalu Inc.* and *U.S. ex rel. Proctor v. Safeway, Inc.* Under the current schedule, any reply briefs in support of motions for summary judgment are due on or before

February 21, 2023 (Dkt. 413) and trial is set for the Court's three-week civil trial docket beginning on April 24, 2023 (Dkt. 346). Because of the fast-approaching trial date and importance of the issues raised in the Motion to Stay, Defendants respectfully request that the Court order Plaintiffs to respond to the Motion to Stay on or before February 14, 2023, and Defendants to file any reply on or before February 16, 2023.

DISCUSSION

As outlined in the Motion to Stay, Defendants respectfully move the Court to stay this matter pending the Supreme Court's decision in *U.S. ex. rel. Schutte v. Supervalu Inc.* and *U.S. ex. rel. Proctor v. Safeway, Inc.* These two cases, which were recently granted *certiorari* by the Supreme Court, will decide questions relevant to the scienter issues presented in this case. Briefing for the parties' Motions for Summary Judgment is ongoing, with any replies in support of their respective motions due February 21, 2023. Dkt. 413. Without expedited briefing, briefing would not be complete on the Motion to Stay until March 8, 2023, less than two months prior to the trial date and after the hearing date that the Court has proposed on summary judgment motions. *See* N.D. Tex. L.R. 7.1(e).

While the proposed expedited briefing schedule would potentially allow for the issues raised in the motion to be resolved before any further Summary Judgment filings are due, it would more importantly provide guidance for the parties and Court staff on whether they need to prepare for a trial expected to last 10 days (Dkt. 56 at 7) that is set for approximately 12 weeks from now. Apart from presentation of the evidence, there are countless logistical and administrative arrangements to make for a trial, including for example, arrangements for witnesses to leave their work and home obligations to travel to Amarillo, airfare, reservation of hotel rooms, and the like. There is no need for the parties to spend the next five weeks and significant resources preparing

for a trial that the Court may decide to reschedule. The Court has frequently granted expedited briefing on other matters when requested by the parties. *See, e.g.*, Dkts. 159, 232, 274, 320, 356. In addition, while the proposed schedule allows for a longer briefing period than Defendants would otherwise prefer, it accommodates an oral argument in the Fifth Circuit that Relator's counsel has indicated prevents them from submitting briefing during the week of February 6. Therefore, Defendants respectfully request that the Court order Plaintiffs to respond to Defendants' Motion on or before February 14, 2023 and that Defendants file any reply on or before February 16, 2023.

CONCLUSION

For the foregoing reasons, Defendants respectfully request that the Court expedite briefing. Defendants propose that the Court order Plaintiffs' response to Defendants' Motion to Stay be filed on or before February 14, 2023, and Defendants to file any reply on or before February 16, 2023.

Dated: February 1, 2023

Respectfully submitted,

Arnold & Porter Kaye Scholer LLP

By: /s/ Tirzah S. Lollar

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CERTIFICATE OF CONFERENCE

Prior to filing this motion, counsel for Defendants contacted counsel for Plaintiffs, who stated that they are opposed.

/s/ Tirzah S. Lollar

Tirzah S. Lollar

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2023, the foregoing document was electronically filed with the Clerk of Court using CM/ECF.

/s/ Tirzah S. Lollar

Tirzah S. Lollar